THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22052 OF 1997

Dated 31st January, 2007

Between:

Bobbili Venkataramana and another.

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Petitioner

And

The District Collector, West Godavari District,
Eluru and others.

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Respondents.

ORAL ORDER:

In this writ petition, the two petitioners questioned the action of the respondents in taking steps to dispossess them from their houses bearing assessment No. 671 in an area of 1000 sq. yards near 38/3-4 Mile at Godavari Eluru Canal within the limits of Kothagudem Gram Panchayat, Danduluru Mandal, West Godavari District.

In the affidavit filed in support of the writ petition, it is stated that an extent of 1000 sq. yards of land near 38/3-4, Mile at Godavari Eluru Canal was sanctioned in favour of the petitioners by the Executive Engineer, Godavari Western Division, Nidadavole vide proceedings No.17-E and that since 1965, the petitioners are in possession of the said piece of land and constructed three houses after obtaining necessary permission from the Gram Panchayat and the same was given Assessment No. 671. Thereafter, they also obtained electricity power connection vide SC Nos. 127, 426 and 60. In the writ petition, the petitioners complained of the action of the second respondent – Mandal Revenue Officer in taking steps for their dispossession without any prior notice and opportunity. It is stated that the petitioners are in continuous possession from 1965 by raising structures and they cannot be dispossessed in this manner without giving any opportunity and the same is in violation of their rights guaranteed under Articles 14 and 300-A of the Constitution of India.

At the stage of admission, this court, while

admitting the writ petition, granted interim orders on 12.9.1997. Further by order dated 28.10.1997, this court while granting three weeks' time finally for filing counter-affidavit, extended the interim orders till further orders. The said order continued all along. Though the writ petition is pending before this court for more than 9 years, neither counter affidavit is filed nor any steps are taken for getting the interim order vacated. Though the petitioners are claiming sanction orders in their favour, but no copy of such sanction is filed in the writ petition. In the absence of any written proceedings allotting the said piece of land to the petitioners, it is not known as to whether the occupation of the petitioner and the constructions made over the said piece of land are authorized or not. However, as it is submitted by the learned Government Pleader that the same is a government land and no orders have been issued in favour of the petitioners and the constructions were raised illegally, the said aspect can be gone into and decided by giving a notice and affording an opportunity to the petitioners. Inasmuch as the allegation of the petitioners that they were not put on notice is not controverted by filing any counter affidavit, I dispose of the writ petition with a direction to the respondents not to take steps for dispossession of the petitioners from the land in question or removal of the structures raised by the petitioners, unless the petitioners are notified by issuing notice the reasons therefor and are afforded an opportunity of being heard. However, it is made clear that if the said piece of land is required for public purpose or the possession of the petitioners is

unauthorized, it is open for the respondents to take steps in accordance with law.

Subject to above direction, the writ petition is disposed of. No costs.

31.1.1997 **R.SUBHASH REDDY, J.**

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